
IN THE UNITED STATES JUDICIAL DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

ARRINGTON DEVELOPMENT, LLC, a
Utah Limited Liability Company,

Plaintiff,

v.

NORANIZA Z. ALONTO, an individual,

Defendant.

**REPORT AND
RECOMMENDATION TO
DISMISS**

Case No. 2:08CV00623CW

District Judge Clark Waddoups

Magistrate Judge David Nuffer

This case was referred to the magistrate judge to conduct an initial pretrial conference under [DUCivR72-1](#). Such a conference was scheduled May 20, 2009, and counsel for Plaintiff failed to appear.¹ Counsel for Plaintiff was not a registered e-filer. The court therefore issued an order to show cause why the case should not be dismissed, setting a hearing for July 8, 2009, and also reset the initial pretrial conference for July 8, 2009. Counsel for Plaintiff was specifically ordered to appear July 8, 2009².

ORDER TO SHOW CAUSE. Show Cause Hearing set for 7/8/2009 11:30 AM in Room 477 before Magistrate Judge David Nuffer.

IT IS HEREBY ORDERED that within fifteen days Joann Shields, who is not a registered e-filer in the court's electronic filing system, shall register as an electronic filer or shall file an affidavit or declaration stating valid reasons for not complying. "As of May 1, 2006, all members of the Court's Bar, active and pro hac vice, must electronically file all civil case filings. All criminal case filings by attorneys must be filed electronically as of November 1, 2005."

Ms. Shields shall appear and show cause why this case should not be dismissed for failure to appear at Initial Pretrial Conference. This matter shall be addressed at the hearing July 8, 2009 @ 11:30 a.m. in courtroom #477.³

¹ Docket no. 14, filed May 20, 2009.

² Docket no. 19, filed July 8, 2009.

³ Docket no. 15, filed May 21, 2009.

At the hearing July 8, 2009, counsel for Plaintiff again failed to appear. Since counsel for Defendant had withdrawn, no counsel of record appeared. However, Mr. Gordon Duval stated that he was in negotiations with Defendant to appear in the case.

Based on the multiple failures of Plaintiff's counsel to appear at hearings or participate in developing a schedule in the case,

RECOMMENDATION

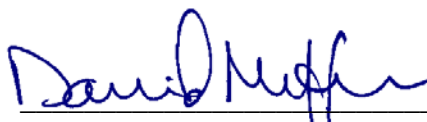
IT IS RECOMMENDED THAT the case be dismissed without prejudice.

NOTICE TO PARTIES

Within 10 days after being served with a copy of this recommended disposition, a party may serve and file specific, written objections.⁴ A party may respond to another party's objections within 10 days after being served with a copy thereof. The rules provide that the district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject or modify the recommended decision, receive further evidence, or re-commit the matter to the magistrate judge with instructions.

Dated this 10th day of July, 2009.

BY THE COURT



Magistrate Judge David Nuffer

⁴ See 28 U.S.C. § 636(b)(1)(B).